

Act + + +

BILL.



An act to amend and consolidate the acts relating to the profession of medicine and surgery in the province of Quebec.

1. Whereas the laws now in force in the province of Quebec, for regulating the qualifications and examination of candidates for the study of medicine, surgery and midwifery ; for the registration of medical practitioners, and for the infliction of penalties upon persons infringing the provisions of the Medical Act, the practice of medicine, surgery and midwifery, require amendment ; Be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the legislative council and of the legislative assembly of the province of Quebec, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the act or ordinance of the legislative council of the late province of Quebec, passed in the twenty-eighth year of the reign of his late majesty king George the third, and intituled, *An act or ordinance to prevent persons pratising physick and surgery within the province of Quebec, or midwifery within the towns of Quebec and Montreal, without license*, and all other acts or part of acts in any manner relating to the practice of medicine, surgery or midwifery in the province of Quebec, or in any manner relating to the mode of obtaining licenses to practice medicine, surgery or midwifery therein, shall be and are hereby repealed, except in so far as relates to any offence committed against the same or any of them before the passing of this act, or any penalty or forfeiture incurred by reason of such offence.

2. And whereas it is expedient that the medical profession of the province of Quebec, be empowered under certain restrictions to frame its own statutes for the regulation of the study of medicine in all its departments, and by-laws for its own government ; be it therefore enacted, That all persons resident in Lower-Canada and licensed to practice and actually practising medicine, surgery or midwifery therein at the time of the passing of the act of amendment in 1849, and all persons who have since then become members of the college of physicians and surgeons

of Lower-Canada, under the provisions of the act of 1847, and all persons who may hereafter become members of the aforesaid college shall be and are hereby constituted a body politic and corporate by the name of *The college of physicians and surgeons of the province of Quebec*, and shall by that name have perpetual succession and a common seal, with power to change, alter, break or make new the same ; and they and their successors by the name aforesaid may sue and be sued, implead and be impleaded, answer and be answered unto in all courts and places whatsoever, and by the name aforesaid shall be able and capable in law to have, hold, receive, enjoy, possess and retain for the ends and purposes of this act and for the benefit of the said college, all such sums of money as have been or shall at any time hereafter be paid, given or bequeathed to and for the use of the said college ; and by the name aforesaid shall and may at any time hereafter, without any letters of mortmain, purchase, take, receive, have, hold, possess and enjoy any lands, tenements or hereditaments or any estate or interest derived or arising out of any lands, tenements or hereditaments for the purposes of the said college and for no other purposes whatever ; and may sell, grant, lease, demise, alien or dispose of the same, and do or execute all and singular the matters and things that to them shall or may appertain to do ; provided always that the real estate so held by the said corporation shall at no time exceed in value the sum of \$20,000.

3. And be it enacted, That from and after the passing of this act, the persons who compose the college of physicians and surgeons shall be called " members of the college of physicians and surgeons of the province of Quebec."

4. And be it enacted, That the affairs of the said college shall be conducted by a board of governors, thirty-six in number ; fifteen of whom shall be elected from among the members of the college, resident in the district of Quebec : fifteen from among its members resident in the district of Montreal ; three from among its members resident in the district of Three-Rivers ; and three from among its members resident in the district of St Francis ; and of the said board of governors neither more nor less than eight shall be resident in the city of Quebec, and neither more nor less than eight in the city of Montreal ; and that at each election of the board of governors, every member of the said corporation shall have the right of voting by proxy.

2. Of the aforesaid districts, the district of Quebec shall comprise the present judicial districts of Quebec, Gaspé,

Saguenay, Chicoutimi, Rimouski, Montmagny, Beauce, and Kamouraska ; the district of Montreal, shall comprise the present judicial districts of Montreal, Terrebonne, Joliette, Richelieu, Bedford, St. Hyacinthe, Iberville, Beauharnois and Ottawa, and the district of Three-Rivers shall comprise the present judicial districts of Three-Rivers and Arthabaska.

5. The said board of governors shall be, and are hereby constituted " The provincial medical board, " in which capacity they shall meet *to receive the reports of the " examiners " hereinafter mentioned, and to perform the several duties devolving upon them under this act as the board of governors of the college*, not less than *once* in each year, at such time and place as by them shall be deemed most fit, and on which occasions, seven shall be a quorum, for the transaction of business.

6. And be it enacted, That from and after the passing of this act, no person shall practise medicine, or surgery, or midwifery, in the province of Quebec, unless he shall have obtained a license from the provincial medical board ; who are hereby authorized to issue such license.

7. At the first regular meeting of the said board after the passing of this act, there shall be appointed by " the provincial medical board, " nine examiners, by whom all candidates, for a license to practice medicine, surgery, and midwifery in this province shall be examined, in accordance with the by-laws, rules and regulations of the provincial medical board. The examination to be written and oral, and as far as possible practical. If a governor become an examiner, he must for the time being cease to be a governor.

Of the above examiners, one shall be chosen from each of the four medical schools, now existing in the province, and the remaining five shall be chosen from amongst the registered medical practitioners not connected with any of the medical schools.

8. And be it enacted, That from and after the passing of this act, no person shall be admitted as a student of medicine, surgery or midwifery, unless he shall have obtained a certificate of qualification from the Provincial Medical Board.

9. At the first regular meeting of said board after the passing of this act, there shall be appointed by the provincial medical board for three years [subject to the continued approval of the board] four persons actually engaged in the work of general education in the province

of Quebec, to examine all persons about to begin the study of medicine, surgery and midwifery, on the subjects of general education hereinafter mentioned as belonging to the preliminary qualification of medical students, viz; one examiner of french and one of english nationality for the city of Quebec, and one of french and one of english nationality for the city of Montreal. The subjects of the preliminary qualification to be english or french, latin, geography, history, arithmetic, algebra, geometry and any one of the following subjects, french, in the case of english speaking candidates, or english in the case of french speaking candidates, greek, natural or moral philosophy; and the candidate to present a certificate of good moral character. Provided that all medical students who before the passing of this act shall have passed their preliminary examination before the examiner or examiners of any university, or incorporated school, or provincial medical board, shall not be required to pass before the examiners mentioned in this section.

10. Every person wishing to obtain a licence to practice medicine, surgery and midwifery in this province, and to be registered under this act, and who shall not have obtained a license to practice medicine, surgery and midwifery in the province of Quebec before the expiration of eighteen months after the passing of this act, shall, *before being entitled to such license and to registration in this province, possess a degree or diploma in medicine and surgery from a british or canadian university, college, or incorporated medical school, approved by the provincial medical board, and pass an examination as to his knowledge and skill for the efficient practice of medicine, surgery and midwifery, before the examiners appointed by this board;* and upon passing the examination required, and proving to the satisfaction of the examiners that he had complied with the rules and regulations made by the provincial board, and on payment of such fees as the board may by general by-law establish; such person shall be entitled to a licence to practice medicine, surgery and midwifery in the province of Quebec. Provided always that any student who, prior to the passing of this act, shall have passed an examination upon any of the branches of the curriculum qualifying for a degree or diploma in any british or canadian university, college, or incorporated school of medicine approved by the provincial medical board, shall not be required to pass an examination upon these branches before the examiners of the provincial medical board. Provided, also, that when, and as soon as it shall appear that there has been established a central examining board, similar to that constituted by this act, or an institution duly recognized by the legislature of any of the provinces forming the dominion of Canada,

other than Quebec, as the sole examining body for the purpose of granting certificates of qualification, and wherein the curriculum shall be equal to that established in Quebec, and the holder of such certificate shall upon due proof be entitled to registration by the provincial medical board of Quebec, if the same privilege be accorded by such examining board or institution to those holding certificates in Quebec. Provided, also, that it shall be *optional* for the provincial medical board to admit to registration all such persons as are duly registered in the medical register of Great Britain or Ireland, or are otherwise authorized to practice medicine, surgery and midwifery in the United Kingdom of Great Britain and Ireland or of France, upon such terms as the provincial medical board may deem expedient.

11. And be it enacted, That the said board of governors or the college of physicians and surgeons shall have power:—

1. To regulate the study of medicine, surgery and midwifery and pharmacy, by making rules with regard to the preliminary qualification, duration of study, curriculum to be followed, and the age of the candidate applying for a license to practice: Provided always that such rules shall not be contrary to the provisions of this act.

2. To examine all credentials purporting to entitle the bearer to a license to practice, and all degrees or qualifications sought to be registered in this province, and to oblige the bearer of such credentials, degrees or qualifications to attest on oath, to be administered by the chairman for the time being, that he is the person whose name is mentioned therein, and that he became possessed thereof honestly.

3. To cause every member of the profession now practising, or who may hereafter practise in the province of Quebec, to enregister his name, age, place of residence, nativity, the date of his license and the place where he obtained it, in the books of the College.

4. To fix the period of probation which persons must undergo before being eligible for election as members of the college, which period shall not be less than four years, and to make all such rules and regulations for the government and proper working of the said corporation and the election of a president and officers thereof, as to the board of governors may seem meet and expedient, which said rules and regulations shall, before they shall come into effect, be sanctioned by the lieutenant-governor of this province after the same shall have been submitted to him for approval and by him allowed.

12. The "provincial medical board";

1. Shall from time to time, as occasion may require, make rules and regulations for the guidance of the "examiners," and may prescribe the subjects and mode of the examinations, the time and place of holding the same, and generally may make all such rules and regulations in respect of such examinations not contrary to the provisions of this act, as they may deem expedient and necessary.

2. It shall regulate the study of medicine, surgery and midwifery by making rules with regard to the preliminary qualifications, duration of study, curriculum of studies to be followed by the students.

Provided always that such rules shall not be contrary to the provisions of this act, and that any change in the curriculum of studies fixed by the board shall not come into effect until one year after such change is made.

13. The provincial medical board shall have the power to fix by by-law the salary or fees to be paid to the "officers," and to the "examiners" appointed by the said board; as well, also, the fees to be paid by all candidates entering on the study of medicine, as also by all candidates for the licence to practice medicine, surgery, and midwifery, as well as the fee to be paid for registration; and the said board may dispose of all fees received in whatever manner they may think most conducive to the interests of the college.

14. And be it enacted, That the qualifications to be required from a candidate for examination to obtain a licence to practise shall consist in his not being less than twenty-one years of age; that he has followed his studies uninterruptedly during a period of not less than four years, commencing from the date of his admission to the study of medicine by this board, and that during the said four years he shall have attended at some university, college or incorporated school of medicine, within Her Majesty's dominions not less than two six months' courses of general anatomy, — of practical anatomy — of surgery — of practice of medicine — of midwifery — or chemistry — of *materia medica* and pharmacy — of the institutes of medicine — of clinical surgery, — one six months' course or two three months' courses of medical jurisprudence, — and one three months' course of botany, — one three months' course of practical chemistry one three month's course of hygiene and a course of not less than twenty-five demonstrations upon microscopic anatomy, physiology and Patholog; also, that he shall have attended the general practice of an hospital in which are contained not less than fifty beds, under the charge of not less than two physicians or surgeons for a period of not less than

one year and a half, or three periods of not less than six months each ; and that he shall also have attended six cases of labour, and compounded medicine for six months ; and to remove all doubts with regard to the number of lectures which the incorporated schools of medicine of the province of Quebec are bound to give : be it enacted and declared, that each six month's course shall consist of one hundred lectures, except in the case of clinical medicine clinical surgery, and medical jurisprudence.

15.— And be it enacted, That all persons obtaining the license to practice from the college of physicians and surgeons of the province of Quebec, shall be styled licentiates of the said college, and be consequently in due course of time eligible to be elected members of the same, and such persons so elected shall be at once eligible for election as governors, and the said election either as member of the said college or as governor thereof as aforesaid, shall be made under such rules and regulations therefor, and in such manner as the said board of governors shall make therefor, to be sanctioned by the governor of the province in manner aforesaid

16. — The provincial medical board shall have the power to make rules and regulations respecting the admission of females to the practice of midwifery in this province.

17.—The provincial medical board shall cause to be kept by the registrar, a book, or register, to be called the Register, in which shall be entered, from time to time, the names of all persons who have complied with the enactments hereinafter contained, and with the rules or regulations made or to be made by the provincial medical board respecting the qualifications to be required from practitioners of medicine, surgery, and midwifery in the province of Quebec ; and those persons only whose names have been or shall hereafter be inscribed in the register above mentioned, shall be deemed to be qualified and licenced to practice medicine, surgery, and midwifery in the province of Quebec ; and such register shall at all times be open and subject to inspection by any duly registered practitioner in the province, or by any other person.

18.—It shall be the duty of the registrar to keep the register correct in accordance with the provisions of this act and the orders and regulations of the provincial medical board, and he shall from time to time make the necessary alterations in the addresses, or qualifications of the persons registered under this act ; and the said registrar shall perform such other duties as shall be imposed upon him by the provincial medical board.

19. If the registrar shall wilfully make or cause to be made, any falsification in any matters relating to the register he shall incur a penalty of one hundred dollars, and shall be disqualified from again holding that position.

20.—Every member of the medical profession who, at the time of the passing of this act, may be possessed of a *license* to practice medicine, surgery and midwifery in the province of Quebec, shall, on the payment of the fee of one dollar, be entitled to be registered on producing to the registrar the document conferring or evidencing the qualification, or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by post to such registrar, information of his name and address, and evidence of the qualifications in respect whereof he seeks to be registered and of the time or times at which the same was or were respectively obtained, *provided he register within one year* after the final passing of this act, and every member of the medical profession, who, within the period of eighteen months after the final passing of this act, shall have become possessed of such qualification or qualifications as would have entitled him at the time of passing this act, to practice medicine, surgery and midwifery, in the province of Quebec, shall on complying with the requirements in this section mentioned, and on the payment of a fee to be fixed by a by-law of the provincial medical board, but to not exceed ten dollars, be entitled to be registered.

21.—Any person entitled to be registered under this act, but who shall neglect or omit to be so registered, shall not be entitled to any of the rights or privileges conferred by the provisions of this act so long as such neglect or omission continues, and he shall be liable to all the penalties imposed by this act, or by any other act which may now be in force against unqualified or unregistered practitioners, and he shall pay a fine of ten dollars payable every year until he is registered.

22. No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he shall have prescribed or supplied, nor be entitled to any of the rights or privileges conferred by the provisions of this act, unless he shall prove upon trial that he is registered under this act.

23.—1. No person shall be appointed as medical officer, physician, or surgeon in any branch of the public service of the province of Quebec, or in any hospital or other charitable institution, receiving government subsidies, unless he be registered under the provisions of this act.

2. And, no certificate required by any act now in force or that may hereafter be passed in this province from any physician or surgeon or medical practitioner, shall be valid unless the person signing the same be registered under this act,

21—Any registered member of the medical profession who shall have been convicted of any felony in any court shall thereby forfeit his right to registration, and, by the direction of the provincial medical board, his name shall be erased from the register; or in case a person known to have been convicted of felony, shall present himself for registration, the registrar shall have power to refuse such registration.

25.—1. Any person not entitled to be registered in this province, who shall be convicted of having practised medicine, surgery or midwifery in the province of Quebec, for hire, gain, or hope of reward shall, upon summary conviction before a sheriff, or district magistrate or recorder, or judge of the sessions of the peace be condemned to pay a fine of not less than \$25, nor exceeding \$100.

2. The same penalty shall be incurred by every person assuming the title of doctor, physician or surgeon, or any other name implying that he is legally authorized to practice medicine, surgery or midwifery in this province if unable to establish the fact by legal proof,—and by every person offering his or her services as physician, surgeon or midwife, if not duly licensed and registered in this province.

3. In every prosecution under this act, the proof of registration shall be incumbent upon the prosecuted.

4. All prosecution shall take place under this act, before any sheriff, or district magistrate, or recorder, or judge of special sessions of the peace having jurisdiction in the locality where the offence was committed, and, such sheriff, or district magistrate, or recorder or judge of special sessions of the peace, besides the penalty above mentioned, shall have power to condemn in costs; and in the event of the costs or the penalty not being paid, to order an imprisonment for a term not exceeding thirty days, unless the penalty or costs be sooner paid.

5. No writ of certiorari shall be allowed to be sued out to set aside any judgment or conviction rendered by virtue of this act, nor shall any appeal from any such judgment or conviction be allowed to or by any tribunal whatsoever.

26.— All penalties recoverable under this act, shall be paid over to the court convicting, and by the latter, to the treasurer of the board. Any person may prosecute

in his own name, or submit a complaint before the court, and the provincial medical board shall have power to allow the prosecutor the whole or a portion of the penalties recovered, provided the said board have the right to stop the proceedings by an order signed by the president.

27.—In all cases where proof of registration under this act is required, the production of a printed or other copy of the register, certified under the hand of the registrar of the college of physicians and surgeons of the province of Quebec, for the time being, shall be sufficient evidence of all persons who are registered practitioners, in lieu of the production of the original register; and any certificate upon such printed or other copy of the register, purporting to be signed by any person in his capacity of registrar of the college under this act, shall be *prima facie* evidence that such person is such registrar, without any proof of his signature, or of his being in fact such registrar.

28 The present board of governors elected under the provisions of the acts repealed shall be continued and shall act until after the next triennial election, but subject in all other respects to the provisions of this act; and all by-laws, rules and regulations heretofore made by the said college of physicians and surgeons of Lower Canada shall remain in force until repealed or modified under the provisions of this act.

29. The officers appointed under the provisions of the acts repealed, shall retain their respective offices, and perform their respective duties under the provisions of this act, and all books and registers heretofore kept by them in conformity with the acts hereby repealed, shall be continued in use for their respective purposes under this act.

30. And be it enacted, that the present act shall be a public act, and that it shall be taken and accepted as such in all courts of justice and by all persons in this province.

[No. 16.]

2nd Session, 3rd Parliament, 40 Vict., 1876.

BILL.

An act to amend and consolidate the acts relating to the profession of medicine and surgery in the province of Quebec.

Edw. A. Healey
Medical Officer
of the Province of Quebec
First reading,
1876.

Second reading,
1876.

Edw. A. Healey
Medical Officer
MR. LORANGER